

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.112, and in light of the remarks which follow, are respectfully requested.

Claim 1 has been amended to add the feature of canceled claim 2. Claims 9, 10, 11, 12 and 15 have been amended to provide antecedent basis for the word "mat" in claim 1. Claim 12 was also amended to delete a parenthetical term. New claim 34 has been added directed to a preferred embodiment. Claims 1, 3-16, 32, 33 and 34 are currently pending in this application.

Claim 12 was objected to for the reasons given in paragraph (1) of the Office Action. In response, Applicant has amended claim 12 to remove the parenthetical term as suggested by the Examiner. Accordingly, the objection has been obviated and should be withdrawn.

Claims 1-5, 9, 10, 13-16 and 32 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 4,522,876 to Hiers in view of U.S. Patent No. 5,458,960 to Nieminen et al. for the reasons given in paragraph (3) of the Office Action. Reconsideration and withdrawal of this rejection are requested in view of the above amendments and for at least the reasons which follow.

The presently claimed invention relates to wall and floor coverings comprising a coated carrier where the carrier includes a mat containing glass fibers consolidated with a binder, and a non-woven mat composed of organic synthetic fibers. The glass fiber-containing mat and the non-woven organic fiber mat are bound together by needling in such a manner that part of the organic synthetic fibers penetrate through the glass fiber mat and lie adjacent the side of the glass fiber mat that is opposite the

organic synthetic non-woven mat. The needled carrier is coated with at least one layer on the side of the glass fiber mat opposite the non-woven synthetic organic mat.

The resultant coated carrier provides wall and floor coverings having improved noise attenuation properties, specifically reduced noise propagation, as well as excellent elasticity, and improved thermal and dimensional stability. The coverings of the invention are highly adaptable to thermal changes and provide excellent bridging of cracks formed by thermal expansion. These excellent properties are, at least in part, due to the fact that the organic fibers which penetrate the glass fiber mat during needling and lie adjacent to the surface of the glass fiber serve to inter-lock the webs together and improve the bond between the coating and the carriers. The cited art fails to disclose or suggest the claimed articles.

Hiers '876 describes the preparation of a composite fabric by needling together a glass fiber layer and an organic fiber layer in such a manner that the organic fibers are disposed substantially through the glass fiber layer. This reference does not disclose or suggest an article of manufacture as presently claimed where needling is performed in such a manner that a portion of the organic fibers passes completely through the glass fiber layer, penetrates the surface thereof and lies adjacent thereto. The advantages of such a structure have been discussed above.

Nieminen et al. '960 has been relied on in the rejection for the disclosure of a fibrous web suitable for wall or floor coverings and composed of a fibrous web coated with a coating layer of a material such as polyvinyl chloride. The fibrous web is composed mainly of mineral fibers but may include up to 20% by wt. of synthetic

organic fibers (column 3, lines 7-9). The reference further discloses that some of the thermally bondable synthetic fibers may be exposed on the surface of the fibrous web without lying flat on it (column 3, line 61 to column 4, line 2).

Nieminen et al. '960 does not disclose a carrier web composed of a glass fiber web and a non-woven synthetic web needled together. Nor does the reference teach needling in such a manner that part of the synthetic fibers passes entirely through the glass fiber web and penetrates the surface thereof and lies adjacent to said surface. By virtue of this claimed feature, the organic fibers strongly inter-lock the glass fiber web and the synthetic web while also improving the strength of the bond of the coating layer to the carrier.

Even if one of ordinary skill were to combine the teachings of Hiers '876 and Nieminen et al. '960, the resultant product still would not possess the structure and characteristics of the presently claimed wall and floor coverings. Therefore, the §103(a) rejection based on the combination of these references is unsound and should be withdrawn.

Claims 6-8, 11, 12 and 33 were rejected under 35 U.S.C. §103(a) as unpatentable over Hiers '876 in view of Nieminen et al. '960 and further in view of U.S. Patent No. 5,171,629 to Heidel et al. The Examiner's reasons are set forth in paragraph (4) of the Office Action. Reconsideration of this rejection is requested for at least the following reasons.

Heidel et al. '629 has been relied upon in the rejection for allegedly disclosing the use of melamine-formaldehyde condensates to consolidate a needled composite of a glass fiber mat and a synthetic fiber mat. The disclosure of this reference does not supply the deficiencies of the basic combination of Hiers '876 and Nieminen et al.

'960 for the reasons fully developed above. Thus, Heidel et al. '629 does not disclose needling wherein a part of the organic fibers pass entirely through the glass fiber layer and penetrate the surface thereof to lie adjacent thereof.

Moreover, none of the cited art discloses hydrodynamic needling as specified in claims 15 and 34 or thermally fixed synthetic fibers as specified in claims 12 and 34. Each of these features are directed to preferred aspects of the present invention.

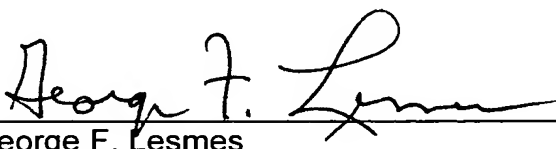
For at least the above reasons, the §103(a) rejection based on Hiers et al. '876 in view of Nieminen et al. '960 and further in view of Heidel et al. '629 should be reconsidered and withdrawn. Such action is earnestly requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at her earliest convenience.

Respectfully submitted,

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